

ORIGINAL

IN THE UNITED STATES DISTRICT COURT

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

FOR THE SOUTHERN DISTRICT OF GEORGIA 2006 AUG 22 PM 12:23

DUBLIN DIVISION

CLERK L. Leiden
SO. DIST. OF GA.

KELVIS RAFAEL AVILA PENA,)

Petitioner,)

v.)

CV 306-057

MICHAEL PUGH, Warden,)

Respondent.)

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, this case is **DISMISSED** without prejudice.

SO ORDERED this 22nd day of August, 2006, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE